

# MEMORANDUM

## Texas Department of Human Services

**TO:** Long Term Care-Regulatory  
Regional Directors and State Office Managers

**FROM:** Jeanoyce Wilson, Unit Manager  
Long Term Care-Regulatory Policy Unit  
State Office MC E-370

**SUBJECT:** Regional Survey and Certification (RS&C) Letter No. 04-03

**DATE:** March 12, 2004

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The attached Centers for Medicare and Medicaid Services (CMS), Regional Survey and Certification (RS&C) Letter is being provided to you for information purposes and should be shared with all professional staff.

- RS&C Letter No. 04-03 – Southern Consortium Life Safety Code (LSC) Waiver and Policy Request Procedures

If you have any questions about this subject, please contact Fred Worley, Unit Manager, Architectural Program, Long Term Care-Regulatory at (512) 438-2371.

[signature on file]

Jeanoyce Wilson

JW:bbm

Attachment

c: Evelyn Delgado, E-340  
Paul Leche, W-615  
Merrie Duflot, W-404  
Regional Administrators



DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
Division of Survey and Certification, Region VI

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March 11, 2004

**REGIONAL SURVEY AND CERTIFICATION LETTER NO. 04-03**

**TO:** All State Survey Agencies (Action/Information)  
All Title XIX Single State Agencies (Action/Information)

**SUBJECT: SOUTHERN CONSORTIUM LIFE SAFETY CODE (LSC) WAIVER AND  
POLICY REQUEST PROCEDURES.**

This letter is to revise the Southern Consortium Life Safety Code (LSC) waiver and policy request procedures for Region VI state survey agencies.

**LSC Waiver Reviews**

The Consortia Agreement between Dallas RO and Atlanta RO specifies the Atlanta RO will conduct waiver reviews of LSC waiver requests by Region VI providers. The following waiver review procedures are followed by the Southern Consortium LSC lead in Atlanta for each respective Region.

**Revised LSC Waiver Procedure for processing Dallas RO LSC Waivers**

1. State survey agency sends waiver request to Dallas Regional Office (to the attention of the Management Control Specialist: Lorenzo McKinney). The state survey agency will include a notation in the "Comments" section of the CMS Form 1539 to read: LSC WAIVER REQUEST (in all capital letters). **Please send waiver requests as they are received, rather than batching them for later mailing.** The goal of this process is to provide a more consistent flow of waiver determinations, and forwarding them to the Dallas RO on an "as received" basis will allow for better resource planning.
2. Waiver requests are case controlled to the Southern Consortium LSC Lead in Atlanta and mailed to the Atlanta RO the immediate Tuesday or Thursday following receipt in the Dallas RO. Specific information from the facility provider file, as requested by the Southern Consortium LSC Lead in Atlanta, will be copied and included with the waiver request.



3. Southern Consortium LSC Lead in Atlanta reviews the waiver request within 30 days of receipt in the Atlanta RO and issues approval or denial recommendation. Denial recommendations **include** the CMS regulatory or policy citation supporting the denial.
4. The waiver recommendation is mailed to the Dallas RO (to the attention of the Management Control Specialist: Lorenzo McKinney). Case control for Southern Consortium LSC Lead in Atlanta is cleared, and the waiver recommendation is case controlled to the facility-appropriate policy specialist within three (3) days of receipt.
5. For **approval** recommendations: the appropriate policy specialist generates an approval letter for signature by the Branch Manager within 10 days of receipt.
6. For **denial** recommendations: the packet is forwarded to the Dallas LSC Review Committee for review. The Dallas LSC Review Committee will meet within 7 days of receipt of denial. Any issues identified relating to the appropriateness of the denial will be communicated to the Southern Consortium LSC Lead in Atlanta and Atlanta RO Branch Manager. If the denial is affirmed, the packet will be referred back to the facility-appropriate policy specialist for issuance of the denial letter for signature by the Branch Manager within 10 days of receipt. The policy specialist will also initiate any required enforcement/termination action within timeframes mandated by the State Operations Manual.
7. If the Dallas RO LSC Committee and Southern Consortium LSC Lead in Atlanta and Atlanta RO Branch Manager agree that the denial should be overturned and an approval issued, the packet will be referred to the appropriate specialist as per the “**Approval** Recommendations” process above.

A copy of the letter (either approval or denial) will be sent to the state survey agency and the provider. The State Agency enters the waiver into the Oscar system if it has been approved, or requests a new plan of correction if the waiver has been denied.

### **LSC Policy Clarification Requests**

The Southern Consortium LSC Lead in Atlanta will serve as the technical assistance lead for Region VI State Agencies regarding LSC survey issues.

1. State survey agency sends policy question to Dallas Regional Office (to the attention of the Management Control Specialist: Lorenzo McKinney). The state survey agency will include “LSC POLICY CLARIFICATION REQUEST (all capitals) in the “Subject” section of the letter or memo.
2. Policy questions are case controlled to the Southern Consortium LSC Lead in Atlanta and mailed to the Atlanta RO the immediate Tuesday or Thursday following receipt in the Dallas RO. Southern Consortium LSC Lead in Atlanta reviews the policy question within 30 days of receipt in the Atlanta RO and issues an interpretation. If more time is needed to research the issue, the Southern Consortium LSC Lead will notify the Dallas RO of the approximate time needed to provide an answer. The Dallas RO will then notify the state survey agency of the extension.

3. The policy clarification is mailed to the Dallas RO (to the attention of the Management Control Specialist: Lorenzo McKinney). Case control for Southern Consortium LSC Lead in Atlanta is cleared, and the policy clarification is case controlled to the facility-appropriate policy specialist for release to the state agency within three (3) days of receipt. A copy of the policy clarification will be sent to all state agency directors and the Dallas RO LSC Committee.

If you have any questions contact David Wright by telephone at 214-767-6346 or by e-mail at [dwright1@cms.hhs.gov](mailto:dwright1@cms.hhs.gov).

Sincerely,

Calvin G.Cline  
Associate Regional Administrator,  
Division of Survey and Certifications